

Minutes: Leesburg Planning Commission December 21, 2000

The Leesburg Planning Commission met in a work session on Thursday, December 21, 2000 at 7:00 p.m. in Executive Conference Room at 25 West Market Street, Leesburg, VA. Members present for this meeting were: Chairman G. Glikas, Vice-Chairman C. Vaughan, Commissioners: C. Cable, D. Kennedy, L. Schonberger, L. Werner and Councilmember Umstattd. Absent was: K. Kearns. Staff members present for the meeting were: Mike Tompkins, Delane Parks, Randy Hodgson, Paul Gauthier and Jennifer Moore.

MINUTES:

Commissioner Cable made a motion to approve the minutes of November 30, 2000 with a correction.

Motion: Cable
Second: Vaughan
Carried: 5-0 with Commissioner Schonberger
abstaining

PETITIONERS:

None

COUNCILMANIC REPORT:

Councilmember Umstattd stated that she was not able to attend the last Planning Commission meeting because she was representing the Mayor at the Transportation Coordinating Council. She stated that there was a \$640,000.00 agenda item for the widening of the bypass as well as improvements to the interchange. She stated that it passed unanimously.

PUBLIC HEARINGS:

None

SUBDIVISION AND LAND DEVELOPMENT PLAN:

Beauregard Estates, Phase 5 Preliminary Subdivision Plat/Staff Report. Mr. Parks stated that the property is located on the east side of Lawson Road and is zoned R-4. Mr. Parks stated that in the proffers for this development the applicant must provide a

certain amount of right-of-way dedication along Lawson Road as well as frontage improvements. Mr. Parks stated that this would be a nine-lot subdivision with one lot that would be dedicated as open space. He stated that the 15,000 square feet of open space would be adjacent to another “pocket park” that the Town has in Kincaid Forest.

Mr. Parks stated that staff recommends conditional approval on this project. He stated that the applicant has requested action on this item tonight.

Commissioner Werner asked if the open space would be dedicated to the Town. Mr. Parks stated that it would be part of the rear lot.

Commissioner Werner asked if the access to the park would connect to the existing park that the Town owns. Mr. Parks stated that John Johnson with Parks and Recreation has indicated that they would try and tie it into the existing “pocket park” in Kincaid Forest.

Commissioner Werner stated that she is concerned about run-off into Tuscarora Creek and wanted to know if staff is comfortable with what is proposed. Mr. Parks stated that the applicants have to abide by the Erosion and Sediment Control Standards and he stated that Engineering reviews those things as well and he believes that any concerns would be addressed by the Engineering Department.

Mr. Gauthier stated that the Erosion and Sediment Control permit is through the County along with the bond. However, the Town’s Engineering Department does review Erosion and Sediment Control plans for property within the Town. Mr. Gauthier stated that the applicant would have to stabilize the site.

Commissioner Werner asked if it would be inspected regularly. Mr. Gauthier stated that his inspectors do inspect construction sites regularly. He did state that construction is not a clean activity and there will be mud and dirt, however he believes that the Town does a good job in preventing run-off.

Commissioner Werner asked that the light have a shield on the top of it to direct the light downward that there is no light pollution into the night sky. Mr. Gauthier stated that all lights in the Town of Leesburg are installed and maintained by Virginia Power, he stated that we get what they have available and they do not have the shield.

Commissioner Vaughan asked if there would be a Homeowner’s Association for this development. Mr. Parks stated that there would not be because the only open space would be the open space that is dedicated to the Town.

Commissioner Vaughan asked if there would be stormwater management on this site. Mr. Parks stated that there is one section of pipe that runs through the subdivision. Mr. Parks pointed those out on the map to the Commission.

Commissioner Vaughan asked if the pipe stem lots meet the Town's standards on pipe stem links. Mr. Parks stated that they do meet the Town's standards.

Commissioner Vaughan stated that he is concerned about how the Town would access the open space on the rear lot and as the project develops he would like to know how it would be accessed. Mr. Parks stated that during the final review by Parks and Recreation if there is a problem in terms of access they would bring that issue forward to Planning and Engineering.

Commissioner Vaughan asked how the Town could get the new environmental group involved in this application. Mr. Tompkins stated that there is really no place for them to be placed in the process.

Commissioner Cable asked if staff could send a cover memo along with a copy of the plan to the chairman of the Environmental Commission and ask that they submit comments back before the next meeting. Mr. Tompkins stated that there is no ordinance in place for their comments.

Chairman Glikas stated that he has reservations about access to the open space on the application.

Commissioner Werner stated that she would like to start incorporating other bodies into the review process if only in an advisory capacity. Commissioner Cable stated that the Commission would have to be very careful so as not to have an application held up.

Commissioner Cable stated that this goes along with the suggestion that she made that, when an application is accepted by the Town a notification be sent to various Boards and Commissions. Mr. Tompkins stated that he would like some time to respond to that because that would add a significant amount of time to staff's already full schedules.

Mr. Gauthier stated that for the last 15 years his life has revolved around a 60-day statutory limit. He stated that it is very difficult, even with full time staff to review plans that are consistent with the Ordinance. He stated that state law says that the Town must tell the developer what it is that he must to get his plat approved. He stated that if you look at his comments there is a citation behind every comment and if there is no citation there is no comment because there is no law and he would caution the Commission on getting comments that have no law behind them that could potentially delay a project.

Commissioner Vaughan stated that he would like to see certain applications go before these Board's and Commission's, he is not speaking of each application. Mr. Gauthier stated that he is very careful to treat each applicant the same. He stated that "the playing field is equal", if he submits one plan to a Commission then every plan needs to go there, otherwise the developer is being singled out if this is done as part of the

review process. He stated that if it were done as an educational tactic then it would be a great idea.

Commissioner Schonberger asked if the “pocket park” is contiguous to the proposed dedication. Mr. Parks stated that it is contiguous.

Commissioner Schonberger asked if there would be a cross access easement required and a shared maintenance obligation for the pipe stem lots. Mr. Parks stated that there would be, it is part of the easement language in the deed.

Commissioner Schonberger asked if lots one and eight would have direct access onto Lawson Road. Mr. Parks stated that they would.

Commissioner Cable asked about access on the other lots. Mr. Tom Whipp with Dewberry and Davis came forward and addressed that question showing the Commissioners the access points on the map.

Commissioner Cable asked Mr. Whipp to show her where the additional temporary construction easement would be placed on the site. Mr. Gauthier stated that that would be determined at the time that construction drawings are submitted.

Commissioner Cable asked if there would be on street parking on the cul-de-sac. Mr. Gauthier stated that there is no parking on 30-foot wide cul-de-sacs in the Town of Leesburg; they are supposed to be posted no parking. Mr. Gauthier explained to the Commission the process for determining the width of the road.

Commissioner Cable asked how the people that would live in the subdivision going to get to the park. Mr. Parks stated that the park would be dedicated to the Town for a public park. Mr. Parks stated that at final development plan a copy of the plans would be sent to Parks and Recreation to determine access.

Commissioner Schonberger stated that the proffer for this open space dates back to 1988, so at that time the Town must have determined a use for that open space. He also stated that the parcels are contiguous and therefore there is no access issue, he stated that this would just enlarge an already existing park.

Commissioner Cable stated that she would like to see this applicant provide access for the homeowners in this development to the park site without having to leave the subdivision and go all the way around and enter from the “public” entrance.

Chairman Glikas stated that he would have some reservation providing public access to the park from the subdivision because he would be concerned that a parking problem could possibly occur if people use this subdivision to gain access to the park. He stated that another problem would be the walking traffic from the W&OD Trail using that access as well.

Commissioner Werner made a motion to recommend that the preliminary/final development plan be approved with the conditions as outlined in the draft motion.

Motion: Werner
Second: Kennedy
Carried: 6-0

Commissioner Cable stated that she would support the motion for approval, however she does not feel that public parkland should only be accessible via road access and when it is adjacent to a development and part of an actual development then access to that parkland should be provided.

ZONING ITEMS:

None

COMPREHENSIVE PLANNING ITEMS:

SE 2000-09, St. John the Apostle Parish: This item has been removed from the agenda. Commissioner Cable asked that the staff give a statement regarding the removal of the Parish from the agenda. Mr. Hodgson stated that the reason that the Parish was removed from the agenda was because at the last Planning Commission meeting staff discovered that they were running a day care center at the Parish. He stated that the Parish was never given a Special Exception for that use, so the Parish will be amending their application to include the day care facility.

SE 200-12, Star Concrete: Mr. Hodgson stated that this site is located on Lawson Road and runs parallel to the W&OD Trail. He stated that what is proposed is a 50 x 100 foot building, which would include 4,000 square feet of office and about 3,000 square feet of warehouse. He stated that the reason that this application is before the Commission is because the applicant would like to have outdoor storage on the site.

Mr. Hodgson stated that the comments that were received regarding this plan were that the applicants should eliminate their stormwater management area. Also the Northern Virginia Regional Park Authority (NVRPA) asked that the fence on the part of the property along the W&OD Trail be made of an opaque material. He stated that the major issue for this development is the landscaping. Mr. Hodgson went over this issue with the Commission.

Commissioner Cable asked if the 19 feet of existing landscaping would be given as a credit to the applicant's 50 feet of required landscaping. Mr. Hodgson stated that that is what is proposed.

Commissioner Cable asked if the NVRPA has concurred with the applicant using the 19 feet of existing landscaping as part of their requirement. Mr. Hodgson stated that the only concern of the NVRPA was that the fencing be opaque.

Commissioner Cable stated that she does not recall ever having an applicant get credit towards their landscape requirement for trees that already exist on the adjacent property. Mr. Hodgson stated that he would be happy to check that again, however in consulting with the Planning staff that is common practice. Mr. Parks stated that if there is a 50-foot buffer required then the buffer is split between the two properties. Mr. Parks went on to explain in detail.

Commissioner Cable stated that a lot of the vegetation along the W&OD Trail is what she would determine to be underbrush and asked how the staff would determine adequate landscaping along the site. Mr. Parks stated that staff would evaluate the existing vegetation within the W&OD Trails half of the buffer and if the S2 buffer for that length says that there must be more vegetation then staff would require that the applicant meet those requirements.

Commissioner Werner asked staff what their opinion is about having a ten-foot fence as opposed to an eight-foot fence. Mr. Hodgson stated that the applicant is proposing the ten-foot fence, however staff would like to stay with the eight-foot fence.

Commissioner Werner stated that she does not want the height of the materials to be above the height of the fence.

Mr. William Cockerham, applicant came forward to speak. Commissioner Cable asked if the Commission were to approve a ten-foot fence would that fence extend all the way around the property. Mr. Cockerham stated that that is not the intention. He stated that it is his understanding that what is being stored on the property cannot exceed the height of the fence and he has concrete forms that are nine feet tall, they would be higher than the eight-foot fence.

Commissioner Cable asked where the ten-foot portion of the fence that is being proposed. Mr. Cockerham showed Commissioner Cable on the map and explained that the rest of the fence would be eight-feet.

Mr. Ed Dove with Dove and Associates stated that his company is the engineering firm representing the applicant in this case. Mr. Dove stated because the grade slopes upward he does not believe that a ten-foot fence is needed; he believes that an eight-foot fence would be sufficient because with either fence the materials would still be visual from the street.

Mr. Dove stated that he believes that staffs concern is that an eight-foot fence has less visual impact from the street than a ten-foot fence.

Commissioner Werner asked Mr. Dove to explain where the slats would be placed in the fence because she does not believe that the report gives enough information regarding this issue. Mr. Dove showed the Commission on the map where the fence with the slats would be located.

Mr. Gauthier stated that what the Commission should be concerned with screening is the materials from the line of site and he believes that an eight-foot high fence would be sufficient because his line of site would not allow him to see over an eight-foot tall fence.

Mr. Hodgson suggested that the condition could read, "the stored materials shall not be visible from the public right-of-way."

Commissioner Cable stated that she would like to have the ten-foot fence.

Commissioner Schonberger stated that he had no preference as to the height of the fence.

Councilmember Umstattd stated that she believes that a ten-foot fence would absolve all potential problems in the future.

Commissioner Vaughan stated that he had no preference.

Commissioner Kennedy stated that he would like the applicant to place three trees on the site. Chairman Glikas stated that the Commission is working on the fence issue right now and will address the trees at another time. Commissioner Kennedy stated that he would like to address the tree issue now and went on to ask the applicant to provide three more trees on the site. Chairman Glikas again stated that he would be moving on to Commissioner Werner.

Commissioner Werner stated that she believes that a ten-foot fence would be a good idea for this application.

Mr. Dove stated that Mr. Cockerham did not realize that the height of the fence would be such a big issue and he would like to withdraw his request to have a ten-foot fence and stick with the eight-foot fence as requested by staff. He stated that the applicant would just stack their nine-foot panel horizontally rather than vertically.

Commissioner Cable asked if there would be any vehicles stored on this property. Mr. Cockerham stated that there would be licensed and tagged vehicles stored on the property when the vehicles are not in use. He stated that generally the vehicles are out in the field however there would be several vehicles stored on the property incase one of the vehicles in the field breaks down as well as a place to store the vehicles over the holidays. He stated that at this time there are only three vehicles that are generally parked on the site.

Chairman Glikas stated that Commissioner Kennedy would like to have some trees added to the site and asked the applicant if that would be possible. Mr. Cockerham asked where he would like the trees placed. Commissioner Werner suggested along Lawson Road.

Commissioner Kennedy stated that he would view this as a personal favor if the applicant would plant three trees anywhere on the site that he feels comfortable. Mr. Cockerham stated that he would certainly entertain that suggestion.

Commissioner Cable made a motion to approve the application with the conditions as outlined in the staff report.

Motion: Cable
Second: Vaughan
Carried: 6-0

OLD AND NEW BUSINESS:

Commissioner Cable asked staff what the status is of the meeting that the Commission requested to discuss the methods by which the Planning Commission conducts business, such as the by-laws. Commissioner Cable asked if a date had been set. Mr. Tompkins stated that one has not been set. Chairman Glikas stated that he would get in touch with Mr. Tompkins to set up a date for that meeting.

Commissioner Cable asked when the meeting that she had requested more than three times of the last year would be scheduled. Mr. Tompkins stated that he had no knowledge of that meeting and would defer to the Chairman. Chairman Glikas stated that he would combine the two meetings into one after the first of the year.

Commissioner Werner asked if the Commission could go over a list of items that they would like to discuss and items that they would like to have included in the budget for the Planning Commission.

Commissioner Werner and Cable stated that they would like to have the minutes on the web site along with the agenda and a summary of action for both the Planning Commission and Town Council.

Commissioner Kennedy stated that he noticed that the Planning Commission minutes had been placed on the web site. Commissioner Werner stated that she was not aware of that. Staff confirmed that the minutes and agenda had been placed on the web site.

Commissioner Werner would also like to have the by-laws on the web. Chairman Glikas stated that the Commission should wait to have the by-laws placed on the web until after they have been revised.

Chairman Glikas stated that the staff is working very hard at getting as many manuals, minutes and agendas on the web as possible. In addition to those things he asked what the Commission would like to see staff make available to the public and to the Planning Commission.

Commissioner Werner stated that she would like staff to have a video camera for presentations to the Commission, because sometimes “a picture is worth a thousand words” and Commissioner Werner gave an example of when it could be used.

Mr. Tompkins stated that one of the positions that the Town’s Information Technology Department is requesting at mid-year budget is a Web Master and hopefully many of these issues can be addressed at that time.

Chairman Glikas requested that connections be placed at the dais for laptop computers for the Commissioners to use.

Commissioner Werner asked if the Commission was aware of the reasons for Kathryn Kearns submitting her resignation. Chairman Glikas stated that he had received a letter stated that it was because of time constraints from her job.

Commissioner Werner asked if a plaque or certificate would be given to express the Commission’s appreciation for Commissioner Kearns’ contribution.

Commissioner Kennedy suggested that the money budget for the Planning Commission be used for a gift or certificate.

Chairman Glikas stated that he is not sure that that is appropriate, however he would accept donations from the other Commissioners.

Commissioner Kennedy stated that he believes that the Commission should set a standard, when someone leaves the Commission they should be honored or recognized for their contribution.

Commissioner Werner stated that she believes that the staff should look into the option of having a line item in the Planning Commission budget for recognition for Commissioners that may leave.

Mr. Tompkins stated that the Planning Commission could present a framed resolution of appreciation similar to what the Town Council gives out and that is an item that can come from the budget. The Planning Commissioners agreed.

Commissioner Cable stated that she has handed out a list of names of the various people that have been nominated for the Chairman and Vice-Chairman positions. She stated that there is a very distinct possibility of a tie vote and she does not recall having ever seen guidelines on how the Commission conducts the business of electing

officials. She believes that there should be a set process established before the vote in January.

Commissioner Werner suggested that staff contact the Town Attorney to find out the exact procedure.

COMMITTEE REPORT:

Commissioner Cable stated that she had an Economic Development Commission meeting as well as a Redevelopment and Infrastructure Committee meeting. She stated that they are moving along on the recommendations that were made by the Downtown Committee.

Commissioner Cable stated that the Redevelopment Committee asked for mid-year consideration for a survey to be conducted of sites in the Town that were suitable for redevelopment or that had been under developed and apparently the Town Manager is not bringing that forth for a recommendation.

Commissioner Werner stated that that reports sounds like it is similar to the report that the Commission asked staff to produce on infill residential and commercial. Commissioner Cable stated that they are connected somewhat.

Commissioner Werner asked how the BAR knows when the Planning Commission makes a recommendation to that Board. Chairman Glikas stated that there is no avenue. Mr. Tompkins stated that Planning Commission staff relays the Planning Commissions recommendation to the BAR staff person and she includes it in her staff report to the BAR. Chairman Glikas suggested that that be an issue raised at the retreat.

There being no further business the meeting adjourned at 9:40 p.m.